

**REMARKS**

Applicants wish to thank the Examiners, Ms. Alicia Chevalier and Mr. Harold Pyon, for their courtesies extended during the telephonic interview of May 6, 2004. During the telephonic interview, all pending claims were discussed. No agreement was reached with respect to the patentability of the pending claims. This RCE is being filed based on the telephonic interview to further define those features of the invention that distinguish over the references of record.

Claims 1-17 are pending. Claims 4-8, and 10-17 have been amended, where claims 5 and 8 have been placed into independent form. Claims 1-3, and 9 have been canceled. No new matter has been added by way of this amendment. Reconsideration of the application is respectfully requested.

Claims 1-7, 10-17 stand rejected under 35 U.S.C. 112, 1<sup>st</sup> ¶, as failing to comply with the written description requirement. According to the remarks in the Office Action of January 27, 2004:

Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly added limitation "uppermost portions of respective protrusions defining contact points only at locations where said top sheet comes into contact with a [wearer's] skin" is new matter. The limitation is constructed to mean that only the uppermost portions of the protrusions are in contact with the [wearer]. The Examiner is unable to find support for this limitation in the specification or the drawings. Applicant's response on page 5, the last paragraph, alleges that support may be found on page 11, line 20 thru page 12, line of the specification. Page 11, line 20 thru page 12, line of the specification recites:





